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#3

PATENT  
Docket No. 509982003300

## DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: OVERLAY MEASUREMENTS USING PERIODIC GRATINGS, the specification of which is attached hereto unless the following box is checked:

was filed on January 31, 2002 as United States Application Serial No. 10/066,555.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
*			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
*	

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
*		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5/29/2002

Date

Name: Joerg BISCHOFF  
 Residence: Ilmenau, Germany D-98693  
 Citizenship: Germany  
 Post Office Address: Schillerstrasse 19, Ilmenau, Germany D-98693

5/29/2002

Date

Name: Xinhui NIU  
 Residence: Los Altos, California 94022  
 Citizenship: China  
 Post Office Address: 493 W. Portola Avenue, Los Altos, California 94022

6/3/2002

Date

Name: Nickhil JAKATDAR  
 Residence: Los Altos, California 94022  
 Citizenship: India  
 Post Office Address: 425 Rinconada Court, Los Altos, California 94022



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Joerg BISCHOFF, et al.

Serial No.: 10/066,555

Filing Date: January 31, 2002

For: OVERLAY MEASUREMENTS USING  
PERIODIC GRATINGS

Examiner: To Be Assigned

Group Art Unit: 2857

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Dear Sir:

TIMBRE TECHNOLOGIES, INC., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)  
Mehran Arjomand (Reg No. 48,231)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas Chuang (Reg No. 44,616)  
Cara M. Coburn (Reg No. 46,631)  
Raj S. Davé (Reg No. 42,465)  
David Devernoe (Reg No. P-50,128)  
Stephen C. Durant (Reg No. 31,506)  
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Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Alex Chartove (Reg No. 31,942)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Karen B. Dow (Reg No. 29,684)  
Carolyn A. Favorito (Reg No. 39,183)  
David Hector Gallegos (Reg No. 40,614)  
Thomas Deborah S. Gladstein (Reg No. 43,636)  
Kenneth R. Glick (Reg No. 28,612)

Bruce D. Grant (Reg No. 47,608)  
Douglas G. Hodder (Reg No. 41,840)  
Charles D. Holland (Reg No. 35,196)  
Jill A. Jacobson (Reg No. 40,030)  
Madeline I. Johnston (Reg No. 36,174)  
Ararat Kapouytian (Reg No. 40,044)  
Cameron A. King (Reg No. 41,897)  
Kawai Lau (Reg No. 44,461)  
Rimas T. Lukas (Reg No. 46,451)  
Gladys H. Monroy (Reg No. 32,430)  
Kate H. Murashige (Reg No. 29,959)  
Martin M. Noonan (Reg No. 44,264)  
Phillip Reilly (Reg No. 41,415)  
Debra A. Shetka (Reg No. 33,309)  
Kevin R. Spivak (Reg No. 43,148)  
Thomas L. Treffert (Reg No. P48,279)  
Michael R. Ward (Reg No. 38,651)  
Todd W. Wight (Reg No. 45,218)  
Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. 46,332)

Johney U. Han (Reg No. 45,565)  
Alan S. Hodes (Reg No. 38,185)  
Kelvan P. Howard (Reg No. P48,999)  
Wayne Jaeschke, Jr. (Reg No. 38,503)  
Parisa Jorjani (Reg No. 46,813)  
Richard C. Kim (Reg No. 40,046)  
Lawrence B. Kong (Reg No. P49,043)  
Glenn Kubota (Reg No. 44,197)  
Michael J. Mauriel (Reg No. 44,226)  
Philip A. Morin (Reg No. P-45,926)  
Mabel Ng (Reg No. P48,922)  
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Stanley H. Thompson (Reg No. 45,160)  
Brenda J. Wallach (Reg No. 45,193)  
E. Thomas Wheelock (Reg No. 28,825)  
Eric Witt (Reg No. 44,408)  
David T. Yang (Reg No. 44,415)  
George C. Yu (Reg No. 44,418)

all of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, telephone (415) 268-7000, and Manuel B. Madriaga (Reg. No. 45,459) of Timbre Technologies, Inc., at 2953 Bunker Lane, Suite 301, Santa Clara, California 95054, said appointments to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, or with Timbre Technologies, Inc., such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

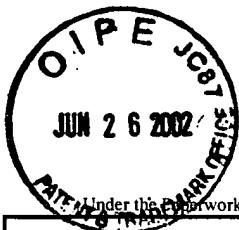
Peter J. Yim  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482

Please direct all telephone communications to Peter J. Yim at (415) 268-6373.

TIMBRE TECHNOLOGIES, INC.  
a California corporation

Dated: 6/3/2002

Name: Nickhil JAKATDAR  
Title: CTO  
Address: 2953 Bunker Lane, Suite 301  
Santa Clara, California 95054



PTO/SB/96 (08-00)

Approved for us through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Joerg BISCHOFF, et al.

Application No./Patent No.: 10/066,555

Filed/Issue Date: January 31, 2002

Entitled: OVERLAY MEASUREMENTS USING PERIODIC GRATINGS

TIMBRE TECHNOLOGIES, INC., a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/3/2002

Date

Nickhil Jakatdar

Nickhil Jakatdar

CTO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attorney Docket No.: 509982003300

sf-1291176

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Attorney Docket No.: 509982003300

ASSIGNMENT  
JOINT

BEST AVAILABLE COPY

THIS ASSIGNMENT, Joerg BISCHOFF, Xinhui NIU and Nickhil JAKATDAR (hereinafter referred to as the assignors), residing at Schillerstrasse 19, Ilmenau, Germany D-98693; 493 W. Portola Avenue, Los Altos, California 94022; and 425 Rinconada Court, Los Altos, California 94022; respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in OVERLAY MEASUREMENTS USING PERIODIC GRATINGS, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/066,555 and filed on January 31, 2002; and

WHEREAS, TIMBRE TECHNOLOGIES, INC., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 2953 Bunker Lane, Suite 301, Santa Clara, California 95054 (hereinafter referred to as the assignee TIMBRE TECHNOLOGIES, INC.) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee TIMBRE TECHNOLOGIES, INC., its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee TIMBRE TECHNOLOGIES, INC., for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee TIMBRE TECHNOLOGIES, INC. its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee TIMBRE TECHNOLOGIES, INC., its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee TIMBRE TECHNOLOGIES, INC., its successors, legal representatives and assigns, but at the cost and expense of said assignee TIMBRE TECHNOLOGIES, INC., its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee TIMBRE TECHNOLOGIES, INC. as the assignee TIMBRE TECHNOLOGIES, INC. of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee TIMBRE TECHNOLOGIES, INC., its successors, legal representatives and assigns.

5/29/2002  
Date

J. B. Wff  
Joerg BISCHOFF

5/29/2002  
Date

Xinhui Niu  
Xinhui NIU

6/3/2002  
Date

N. J. Akatdar  
Nickhil JAKATDAR